

2023 No. 1001 (C. 61)

HOUSING, ENGLAND AND WALES

INSOLVENCY

**The Social Housing (Regulation) Act 2023 (Commencement
No. 1 and Saving Provision) Regulations 2023**

Made - - - -

14th September 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by section 46(3) and (4) of the Social Housing (Regulation) Act 2023(a).

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the Social Housing (Regulation) Act 2023 (Commencement No. 1 and Saving Provision) Regulations 2023.

(2) These Regulations extend to England and Wales only, subject to paragraph (3).

(3) This regulation and regulation 2(h) and (v)(i) and (ii) extend to England and Wales, Scotland and Northern Ireland.

(4) In these Regulations—

“the Act” means the Social Housing (Regulation) Act 2023;

“the 2008 Act” means the Housing and Regeneration Act 2008(b).

Provisions coming into force on 20th September 2023

2. The following provisions of the Act come into force on 20th September 2023—

(a) section 1 (fundamental objectives);

(b) section 2 (advisory panel);

(c) in section 3 (collection of information)—

(i) subsection (1), so far as it relates to the provisions specified in sub-paragraph (ii);

(ii) in subsection (3)—

(aa) the words before paragraph (a), so far as they relate to paragraphs (c) and (d)(ii) of that subsection;

(bb) paragraphs (c) and (d)(ii);

(d) section 5 (relationship between regulator and housing ombudsman);

(e) section 6 (meaning of “English body”);

(f) section 7 (registration criteria);

(a) 2023 c. 36.

(b) 2008 c. 17.

- (g) section 9 (de-registration);
- (h) section 13 (limited liability partnerships), so far as it relates to the provisions specified in paragraph (v);
- (i) section 21 (standards relating to competence and conduct);
- (j) section 22 (standards relating to information and transparency);
- (k) section 23 (code of practice: standards relating to consumer matters);
- (l) section 24 (direction by Secretary of State);
- (m) section 27 (performance monitoring);
- (n) section 33 (extension of powers to charities who have not received public assistance);
- (o) section 34 (notification of Charity Commission of exercise of enforcement powers);
- (p) section 35 (exercise of powers: land with a Crown or Duchy interest);
- (q) section 36 (regulatory and enforcement powers: further amendments), so far as it relates to the provisions specified in paragraph (w);
- (r) section 37 (leaving the social housing stock: end of lease);
- (s) section 39 (appeals);
- (t) section 42 (social housing leases: remedying hazards);
- (u) section 43 (minor and consequential amendments), so far as it relates to the provisions specified in paragraph (y);
- (v) in Schedule 1 (limited liability partnerships)—
 - (i) paragraph 1, so far as it relates to paragraph 4 of that Schedule;
 - (ii) paragraph 4;
 - (iii) paragraph 10, so far as it relates to paragraph 17 of that Schedule;
 - (iv) paragraph 17;
- (w) in Schedule 3 (regulatory and enforcement powers)—
 - (i) paragraph 1, so far as it relates to the provision specified in sub-paragraph (ii);
 - (ii) paragraph 18, except sub-paragraphs (a) to (d);
- (x) Schedule 4 (appeals);
- (y) in Schedule 5 (minor and consequential amendments)—
 - (i) paragraph 1, so far as it relates to the provisions specified in sub-paragraphs (ii) to (xv);
 - (ii) paragraphs 2 to 12;
 - (iii) paragraph 16, except sub-paragraph (a);
 - (iv) paragraphs 17 to 20;
 - (v) paragraph 23, except sub-paragraph (c);
 - (vi) paragraph 24;
 - (vii) paragraph 25;
 - (viii) paragraphs 27 to 33;
 - (ix) paragraph 35;
 - (x) paragraph 38;
 - (xi) paragraph 41;
 - (xii) paragraph 42;
 - (xiii) paragraph 43, except sub-paragraphs (a) and (b);
 - (xiv) paragraph 44;
 - (xv) paragraph 45;

- (xvi) paragraph 47, except sub-paragraphs (b) and (c);
- (xvii) paragraph 48;
- (xviii) paragraph 49.

Saving provision: relevant enforcement grounds

3. The repeals of sections 220(11A), 227(7A), 237(4), 247(1)(aa) and 251(1)(aa) of the 2008 Act^(a) by paragraphs 27(c), 28, 29, 32(b) and 33 of Schedule 5 to the Act (brought into force by regulation 2(y)) are of no effect in relation to a failure, occurring before 20th September 2023, to comply with—

- (a) section 23 of the Welfare Reform and Work Act 2016^(b);
- (b) regulations under section 27 of that Act; or
- (c) Part 1 of Schedule 2 to that Act.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

14th September 2023

Scott of Bybrook
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations made under the Social Housing (Regulation) Act 2023 (c. 36) (“the Act”).

Regulation 2 brings the provisions of the Act which are listed into force on 20th September 2023. The provisions being brought into force include provisions giving the Regulator of Social Housing new powers to set standards and making various other changes to the regulatory regime in Part 2 of the Housing and Regeneration Act 2008 (c. 17) (“Part 2 HRA 2008”) which apply in relation to registered providers of social housing in England; provision implying a term requiring such providers to comply with prescribed requirements about the remedying of hazards; and changes to the special housing administration regime in the Housing and Planning Act 2016 (c. 22) that have UK-wide extent.

Sections 25 (Secretary of State’s duty to give direction about providing information to tenants), 40 (housing ombudsman scheme) and 41 (power of housing ombudsman to issue guidance to scheme members) also come into force on that date by virtue of section 46(2) of the Act. Sections 11 (electrical safety standards) and 44 to 47 (minor and consequential amendments, power to make consequential provision, extent, commencement and short title) came into force on Royal Assent on 20th July 2023 (see section 46(1)).

The changes to Part 2 HRA 2008 these Regulations bring into force include various repeals made by Schedule 5 to the Act of provisions allowing the Regulator to exercise enforcement powers on the ground of a failure to comply with requirements in or under the Welfare Reform and Work Act

(a) Sections 220(11A), 227(7A), 237(4), 247(1)(aa) and 251(1)(aa) were inserted by section 30 of the Welfare Reform and Work Act 2016 (c. 7).
(b) 2016 c. 7.

2016 (c. 7). Regulation 3 makes saving provision so that the repeals of those grounds are of no effect in relation to a failure to comply which occurred before 20th September 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/46714/documents/1906> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

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